

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DIANA MARIE MERCHANT

v.

STATE OF TENNESSEE, et al.

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NO. 3:09-0689

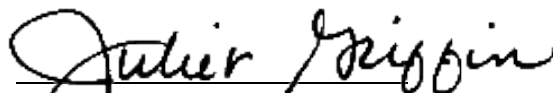
ORDER

Presently pending before the Court is the Plaintiff's motion (Docket Entry No. 3) requesting the appointment of counsel. The motion is DENIED.

The appointment of counsel in a civil case is not a constitutional right and there is no duty to appoint counsel to represent an indigent plaintiff in a civil action. Lanier v. Bryant, 332 F.3d 999, 1006 (6th Cir. 2003); Willit v. Wells, 469 F. Supp. 748, 751 (E.D. Tenn. 1977). Furthermore, although the Court has discretion in deciding whether to appoint counsel in such cases, it is well settled that appointment should be allowed only in exceptional cases. Lanier, supra; Lavado v. Keohane, 992 F.2d 601, 604-06 (6th Cir. 1993). Such exceptional circumstances do not exist in this case at this time, and the denial of counsel will not result in any fundamental unfairness to the Plaintiff. There has been no showing that counsel is necessary to present meritorious issues to the Court. See Lopez v. Reyes, 692 F.2d 15, 17 (5th Cir. 1982).

Any party desiring to appeal this Order may do so by filing a motion for review no later than ten (10) days from the date this Order is served upon the party. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 9(a)(1) of the Local Rules for Magistrate Judge Proceedings.

So ORDERED.


JULIET GRIFFIN
United States Magistrate Judge